



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

2005 DEC -7 A 10:45

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
LOMA ESTATE WATER, LLC FOR APPROVAL
OF THE SALE OF ASSETS AND TRANSFER OF
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-02245A-05-0857

PROCEDURAL ORDER

BY THE COMMISSION:

On November 23, 2005, Loma Estate Water, LLC ("Loma Estate" or "Applicant"), filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale of its assets and the transfer of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to Mark and Julie Baker ("Baker").

On December 5, 2005, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** shall be held on **January 26, 2006, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before January 13, 2006.

IT IS FURTHER ORDERED that objections to any motions to intervene must be filed within 10 days but no later than January 23, 2006.

IT IS FURTHER ORDERED that Applicant shall provide public notice of the hearing in this matter, in the following form and style, with the heading no less than 10 point bold type and the body no less than 10 point regular type:

...

PUBLIC NOTICE OF THE HEARING FOR LOMA ESTATE WATER COMPANY, LLC
FOR APPROVAL OF THE SALE OF ITS ASSETS TO
MARK AND JULIE BAKER
Docket No. W-02245A-05-0857

On November 23, 2005, Loma Estate Water Company, LLC ("Applicant") filed an application for approval of the sale of its assets and the transfer of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to Mark and Julie Baker. The application, report of the Commission's Utilities Division Staff, and any written exceptions to the staff report prepared by the applicant are available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and at offices of the Company, [address] and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a public hearing on this matter on **January 26, 2006 at 10:00 a.m.** at the Commission's offices, at 1200 West Washington Street, Phoenix, Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to the Company or its counsel and to all parties of record, and which at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a customer of the Company, a shareholder of the Company, a competitor, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before January 13, 2006. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. Failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. You will not, however, receive any further notice of the proceeding unless requested by you. Please check with the Commission for any changes to the scheduled hearing date.

If you have any comments, mail them to:

The Arizona Corporation Commission
 Attention Docket Control
 re: Loma Estate Water Company, LLC
 W-02245A-05-0857
 1200 West Washington Street
 Phoenix, Arizona 85007

1 If you have any questions about this application, or want information on intervention,
2 you may contact the Consumer Services Section of the Commission at 1200 West
Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

3 The Commission does not discriminate on the basis of disability in admission to its
4 public meetings. Persons with a disability may request a reasonable accommodation
5 such as sign language interpreter, as well as request this document in an alternative
6 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602-542-
3931, E-mail lghogan@azcc.gov. Requests should be made as early as possible to
allow time to arrange the accommodation.

7 IT IS FURTHER ORDERED that Applicant shall cause the above notice to be mailed to its
8 existing customers and published at least once in a newspaper of general circulation in its service
9 territory, with publication and mailing to be completed no later than December 30, 2005.

10 IT IS FURTHER ORDERED that Applicant shall file certification of mailing and publication
11 as soon as practicable after the mailing/publication has been completed, but not later than January 9,
12 2006.

13 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
14 publication of same, notwithstanding the failure of an individual customer to read or receive the
15 notice.

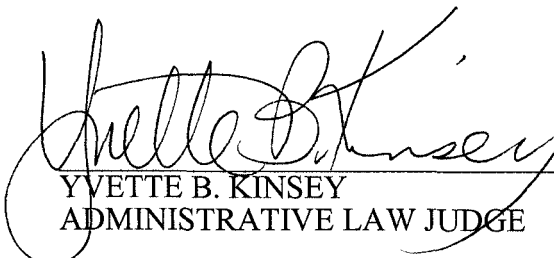
16 IT IS FURTHER ORDERED that Staff shall file a Staff Report on or before January 6, 2006.

17 IT IS FURTHER ORDERED that the Applicant shall file any objections to the Staff Report
18 on or before January 16, 2006.

19 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 -- Unauthorized
20 Communications) applies to this proceeding as the matter is now set for public hearing.

21 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
22 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
23 ruling at hearing.

24 Dated this 7th day of December, 2005

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YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 7 day of December, 2005 to:

3 Loma Estate Water Company, LLC
4 12200 E. State, Rt. 69, #371
5 Dewey, AZ 86327

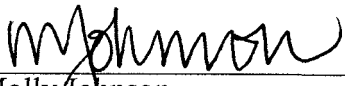
6 Mark and Julie Baker
7 2117 Miramonte Drive
8 Prescott, AZ 86301

9 Christopher Kempley, Chief Counsel
10 Legal Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix, AZ 85007

14 Ernest G. Johnson, Director
15 Utilities Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington
18 Phoenix, AZ 85007

19 ARIZONA REPORTING SERVICE, INC.
20 2627 N. Third Street, Ste. Three
21 Phoenix, Arizona 85004-1104

22 By:

23 
24 Molly Johnson
25 Secretary to Yvette B. Kinsey
26
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